

REMARKS

The examiner has rejected claims 3-5 and 14-15 under 35 U.S.C. 112 for the reasons stated in the office action. It is submitted that this ground of rejection has been overcome by the instant amendment. Claims 1 and 13 now clarify that the nylon 6,66 is a copolymer which itself has nylon 6 parts and nylon 66 parts. See the specification paragraph bridging pages 3 and 4 for further discussion.

The examiner has rejected claims 1-8, 10-17, 19-20 and 22-24 under 35 U.S.C. 103 over Ohba, et al in view of Bradfute, et al. It is respectfully asserted that this ground of rejection is not well taken.

The present invention claims a packaged produce product comprising a package formed from at least one coextruded polyamide film comprising at least one first layer formed from a polyamide selected from the group consisting of nylon 6, nylon 66 and blends thereof, and at least one second layer of nylon 6,66 in contact with said first layer, said nylon 6,66 having a nylon 6 moiety and a nylon 66 moiety, and produce contained within said package, said package being formed from at least one polyamide film being heat sealed via said nylon 6,66 layer.

The examiner is correct that Ohba, et al show adjacent nylon layers, i.e. a substrate which may be nylon 6 and a plastic film layer which may be nylon 6,66. However, as the examiner recognizes, Ohba, et al do not suggest that these two layers may be co-extruded to each other. They may only be laminated, coated dry laminated or extrusion coated one onto the other. The examiner attempts to fill this void by pointing to Bradfute et al. for the proposition that co-extrusion is a known form of lamination. This is incorrect. *Within his context*, Bradfute et al defines lamination as inclusive of coextruded multilayered films. However, this is not the case with the instant invention nor with most

methods of forming multilayered films. Coextrusion is certainly known in and of itself. In coextrusion processes each of two materials is at least partially molten or fluid and the two are brought together while in that form. Some molecules of each interlink with the other thus forming a strong interface. Lamination involves attaching two materials in sheet form. Extrusion coating involves flowing a melt of one material onto a sheet of another. Applicant and the examiner agree that Ohba, et al do not show coextrusion. Assuming, *arguendo*, that *Bradfute et al's layers* can be either laminated or coextruded, This does not suggest coextruding and contacting a first layer of nylon 6, nylon 66 or blends thereof, and a second layer of nylon 6,66. Please note that nowhere does Bradfute et al even mention nylon 6,66. The closest they come is in Example 13 where a single nylon 6 layer is used and claim 37 where two polyamide layers are used, but these are not in contact with one another. It is therefore submitted that the combination of Ohba et al and Bradfute et al does not suggest coextruding and contacting a first layer of nylon 6, nylon 66 or blends thereof, and a second layer of nylon 6,66.

With regard to claims 10 and 19, the mere fact that Ohba, et al shows a seal layer of nylon 6,66 does not mean that they inherently produce an *overall* film having a heat seal strength of the *overall* polyamide film of at least about 700 grams. This is especially true since Ohba, et al do not show first and second layers which are *coextruded*.

With regard to claims 11-12, 20 and 22, the showing of the sealing of a polyamide film to itself or two overlapping films by Ohba, et al is insufficient to reject these claims because the claims have a materially different structure, i.e. first and second layers which are *coextruded*. Likewise, with regard to claims 6-8 and 16-17, the thicknesses in and of themselves is insufficient to reject these claims because the claims have a materially different structure, i.e. first and second layers which are *coextruded*. For these reasons it is submitted that the rejection of claims 1-8, 10-17, 19-20 and 22-24 under 35 U.S.C. 103 over Ohba, et al in view of Bradfute, et al. should be withdrawn.

Claims 9 and 18 stand rejected under 35 U.S.C. 103 over Ohba, et al in view of Bradfute, et al. and further in view of Reading. It is respectfully asserted that this ground of rejection is not well taken. The arguments over Ohba, et al in view of Bradfute, et al. are repeated from above. Reading is cited to show then making of perforations in a food package. However, Reading relates to a materially different film material. Reading only shows a perforated wrapper for food which is formed from non-resilient materials, i.e. *paper*, such as vegetable parchment, laminated to a *metal foil* such a aluminum. Reading does not show or suggest a perforated *nylon* film, much less a film composed of first and second nylon layers which are *coextruded*. It is submitted that the combination of Ohba, et al in view of Bradfute, et al. and further in view of Reading is merely a reconstruction of the art in light of the Applicant's disclosure. For these reasons it is submitted that the rejection of claims 9 and 18 under 35 U.S.C. 103 over Ohba, et al in view of Bradfute, et al. and further in view of Reading should be withdrawn.

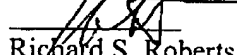
The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the examiner believes there is any matter which prevents allowance of the present application, it is requested that the undersigned be contacted to arrange for an interview which may expedite prosecution.

Respectfully submitted,



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I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office (FAX No. 703-872-9306) on June 3, 2005.



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